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In re Application of
REINER CLASS ET AL.
Appl. No.: 10/049,753
PCT No.: PCT/US00/21747
Int. Filing Date: 09 August 2000
Priority Date: 11 August 1999
Agent's File Reference: 10573-1U1
For: ANTIMICROBIAL HISTONE H1
COMPOSITIONS, KITS, AND METHODS OF
USE THEREOF

DECISION UNDER
37 CFR 1.181

Applicants' 13 December 2002 "Petition To Withdraw Holding Of Abandonment Pursuant To 37 C.F.R. section 1.8(b)" has been received. The 13 December 2002 petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required. The petition is **GRANTED**.

BACKGROUND

On 29 June 2001, applicants filed U.S. application 10/049,753 as a national stage entry of international application PCT/US00/21747. A signed declaration, inter alia, was not included with the application papers.

On 05 April 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) informing applicants that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) was due.

On 10 October 2002, applicants filed , inter alia, a signed declaration and an authorization to charge any required fees to counsel's Deposit Account No. 50-1017.

Notwithstanding the above, on 27 November 2002, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) informing applicants that U.S. application 10/049,753 is abandoned because applicants purportedly failed to file a response to the Form PCT/DO/EO/905 mailed 05 April 2002.

On 13 December 2002, applicants filed the present petition requesting that the Form PCT/DO/EO/905 mailed 05 April 2002 be vacated.

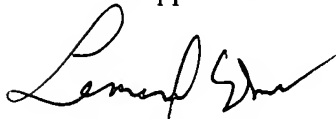
On 04 March 2003, the DO/EO issued a "WITHDRAWAL OF PREVIOUSLY SENT NOTICE" withdrawing the Form PCT/DO/EO/905 mailed 27 November 2002. Additionally, a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) was also mailed on 04 March 2003.

DISCUSSION

A review of the application file reveals that applicants filed a response to the Form PCT/DO/EO/905 on 10 October 2002. The Form PCT/DO/EO/909 mailed 27 November 2002 was sent in error. The mailing of the Form PCT/DO/EO/903 and the "WITHDRAWAL OF PREVIOUSLY SENT NOTICE" is confirmed.

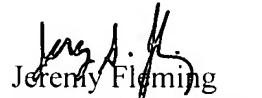
CONCLUSION

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is GRANTED. The Form PCT/DO/EO/909 mailed 27 November 2002 is hereby VACATED. This application is being returned to Technology Center 1600.



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